

ORIGINAL

DOCKET FILE COPY ORIGINAL

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

RECEIVED

SEP 23 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

Amendment of Section 73.202(b) )

Table of Allotments )

FM Broadcast Stations )

(St. Simons Island, Georgia) )

<sup>B</sup>  
MM Docket No. \_\_\_\_\_

RM No. \_\_\_\_\_

To: John Karousos, Assistant Division Chief  
Audio Division, Media Bureau

**PETITION FOR RULE MAKING**

Murphy Broadcasting ("Petitioner"), by its counsel, hereby requests an amendment to the FM Table of Allotments by adding Channel 229A at St. Simons Island, Georgia, as its second local service. If the Petition is granted, Petitioner will file an application to construct a new facility on Channel 229A at St. Simons Island. In support hereof, Petitioner states as follows:

1. As demonstrated in the attached Allocation Study, Channel 229A can be allotted to St. Simons Island at coordinates 31-13-00 NL and 81-23-30 WL consistent with Section 73.207 of the Commission's Rules. As demonstrated in the attached contour map, a 70 dBu signal can be placed over the community of St. Simons Island from the proposed reference point. The proposed allotment will provide second local service to the community of St. Simons Island.<sup>1</sup>

<sup>1</sup> A previously filed Petition for Rule Making proposed the allotment of Channel 229C3 to St. Simons Island, with that allotment contingent upon Station WOGK-FM, Ocala, Florida downgrading from a full Class C to a Class C0. In response to the triggering petition, an Order to Show Cause was issued to Station WOGK-FM. The licensee of WOGK-FM responded by stating it intended to file an application with the Commission proposing minimum full Class C facilities, which would enable the station to maintain its Class C status, and would preclude the allotment of Channel 229C3 at St. Simons Island. The WOGK-FM Class C application was filed on August 29, 2002 (BPH-20020829ABN). Section 1.420(g), Note 2, of the Rules provides that triggering petitions, such as the petition to allot Channel 229C3 to St. Simons Island, "will be dismissed upon the filing, rather than the grant, of an acceptable construction permit application." Thus, the Channel 229C3 petition must be considered dismissed, and the instant petition is therefore acceptable for processing at this time.

No. of Copies rec'd <sup>4</sup>  
List ABCDE MB

02-237

2. St. Simons Island satisfies the Commission's definition of community for allotment purposes. St. Simons Island is listed in the 2000 U.S. Census as a CDP with a population of 13,381. St. Simons Island has its own post office and zip code (31522). Several businesses and churches are located in St. Simons Island.

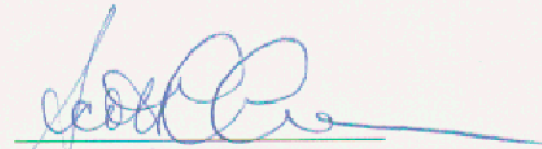
3. Should the Commission grant this Petition and allot Channel 229A to St. Simons Island, Georgia, Petitioner will file an application for the new allotment, and construct the facility as authorized.

WHEREFORE, Petitioner respectfully requests that Channel 229A be allotted to St. Simons Island, Georgia so that the residents of St. Simons Island can receive their second local service.

Respectfully submitted,

MURPHY BROADCASTING

By:



Scott C. Cinnamon  
Law Offices of Scott C. Cinnamon, PLLC  
1090 Vermont Ave., N.W.  
Suite 800, #144  
Washington, D.C. 20005  
(202) 216-5798

Its Counsel

September 23, 2002

**PETITION FOR RULE MAKING**  
**MURPHY BROADCASTING**  
**ALLOT CHANNEL 229A**  
**ST. SIMONS ISLAND, GEORGIA**  
**September 2002**

**TECHNICAL STATEMENT**

1. This technical statement and attached exhibits were prepared on behalf of Murphy Broadcasting ("Murphy"). Murphy herein requests the Commission amend §73.202(b) of the rules by allotting Channel 229A to St. Simons Island, Georgia, as that community's second locally licensable FM channel.

**DISCUSSION**

2. There is presently a Petition for Rule Making submitted by Nancy C. Harper ("Harper") pending before the Allocations Branch seeking the allotment of Channel 229C3 to St. Simons Island, Georgia (RM-10365). The allotment of this Class C3 channel is predicated on the downgrade of WOGK, Channel 229C, Ocala, Florida, to Channel 229C0.<sup>1</sup> Since the licensee of WOGK has submitted its minor change application to remain a Class C facility, the Harper petition will be dismissed pursuant to §1.420(g) Note 2, of the Commission's rules. As such, this instant petition for Channel 229A at St. Simons Island is not in conflict with, nor contingent on, action taken in the Harper proceeding.

---

1) On January 16, 2002, the Commission adopted an Order to Show Cause directed to the licensee of WOGK, giving them until March 11, 2002, to indicate why the license of WOGK should not be modified to specify Channel 229C0, rather than Channel 229C at Ocala, Florida. On March 6, 2002, the licensee of WOGK submitted its response in opposition of the downgrade and indicated it would submit an application for minimum Class C facilities. On August 29, 2002 an application was submitted by the licensee of WOGK (BPH-20020829ABN).

## **PROPOSAL**

3. Channel 229A can be allotted to St. Simons Island, Georgia, at reference coordinates North Latitude 31° 13' 00" and West Longitude 81° 23' 30". This represents of a site restriction of 4.4 kilometers north-northwest of the community to avoid shortspacing the licensed/applied for WOGK facilities on Channel 229C at Ocala, Florida. Attached as Exhibit #1 is a map showing where a transmitter site for Channel 229A can be located and meet the Commission's separation requirements. Exhibit #2 is a spacing study from the proposed reference site, demonstrating that Channel 229A meets the minimum distance separation requirements of §73.207 of the rules toward all licensed, applied for or proposed facilities.<sup>2</sup> From the proposed reference site, all of St. Simons will receive a 3.16 mV/m contour from the proposed reference site.<sup>3</sup>

4. Therefore, Murphy Broadcasting proposes the following:

### **St. Simons Island**

Present 224A	Proposed 224A, 229A
-----------------	------------------------

## **PUBLIC INTERESTS**

5. The allotment of Channel 229A will provide the community of St. Simons with its second local FM channel. A maximum Class A facility operating on Channel 229A from the proposed reference site will provide a 60 dBu contour to 73,333 persons in 2,516.1 square

---

2) The proposed Harper request is not considered.

3) St. Simons CDP is located on the southern half of St. Simons Island and is the proposed community of allotment.



kilometers.<sup>4</sup> Once Channel 229A is allotted to St. Simons Island, Murphy Broadcasting will submit the necessary form seeking authority to construct a new FM station on Channel 229A.

6. The foregoing was prepared on behalf of Murphy Broadcasting by Graham Brock, Inc., its Technical Consultants. All information contained herein is true and accurate to the best of our belief and knowledge. All data relating to FM facilities was extracted from the CDBS database; all populations data was extracted from the PL-94-171 files (2000 census). We assume no liability for errors or omissions in those databases that may be adverse to the requests contained herein.

---

4) Based on a service radius of 28.3 kilometers.



Graham Brock, Inc. - Broadcast Technical Consultants

CLASS A CITY GRADE LIMIT

WEAS-FM LIMIT

USABLE AREA

WOCK LIMIT

WQBT LIMIT

31-15-00 N

081-45-00 W

081-25-00 W

081-15-00 W

081-00-00 W

WPLA LIMIT

31-00-00 N

ST. SIMONS ISLAND

Brunswick

St. Simons Island

GMT

Reference

Woodbine

mden

EXHIBIT #1

PETITION FOR RULE MAKING

MURPHY BROADCASTING

ALLOT CHANNEL 229A

ST. SIMONS ISLAND, GEORGIA

September 2002

Scale 1:400,000

0 5 10 15 km



**PETITION FOR RULE MAKING**  
**MURPHY BROADCASTING**  
**ALLOT CHANNEL 229A**  
**ST. SIMONS ISLAND, GEORGIA**  
**September 2002**

**EXHIBIT #2**

ALLOCATION STUDY FOR CHANNEL 229A ST. SIMONS ISLAND, GEORGIA  
 USING PROPOSED ALLOCATION SITE AS REFERENCE

REFERENCE		DISPLAY DATES
31 13 00 N	CLASS A	DATA 09-13-02
81 23 30 W	Current rules spacings	SEARCH 09-16-02
----- CHANNEL 229 - 93.7 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
<b>RADD</b>	<b>229A</b>	<b>St. Simons Island</b>	<b>GA</b>	<b>0.0</b>	<b>0.00</b>	<b>115.0</b>	<b>-115.00</b>
<b>ADD</b>	<b>31 13 00</b>	<b>81 23 30</b>	<b>0.000 kW</b>	<b>0M</b>	<b>6.7</b>	<b>88.3</b>	
WOGK	229C	Ocala	FL	197.2	225.94	226.0	-0.06
LIC CN	29 16 06	82 04 51	100.000 kW	411M	140.4	140.5	
		Ocala Broadcasting Corporation		BLH-19870915KA			
WOGK.A	229C	Ocala	FL	197.2	225.94	226.0	-0.06
APP CX	29 16 06	82 04 51	100.000 kW	463M	140.4	140.5	
		Ocala Broadcasting Corporation		BPH-20020829ABN			
WQBT	231C0	Savannah	GA	3.0	92.06	86.0	6.06
LIC CX	32 02 45	81 20 27	100.000 kW	396M	57.2	53.4	
		Capstar Tx Limited Partnership		BLH-20020604AAV			
WEASFM	226C1	Savannah	GA	3.0	92.15	75.0	17.15
LIC CY	32 02 48	81 20 27	100.000 kW	299M	57.3	46.6	
		Cumulus Licensing Corp.		BLH-19930521KB			
WPLA	227C2	Callahan	FL	191.9	74.85	55.0	19.85
LIC CN	30 33 22	81 33 13	50.000 kW	141M	46.5	34.2	
		Clear Channel Broadcasting Lic.		BLH-19950822KA			
WVOHFM	228C3	Hazlehurst	GA	302.8	132.09	89.0	43.09
LIC C	31 51 15	82 34 00	25.000 kW	96M	82.1	55.3	
		Jeff Davis Broadcasters, Inc.		BLH-20010502AAV			
WPEZ	229C1	Jeffersonville	GA	310.4	266.71	200.0	66.71
LIC CX	32 45 12	83 33 46	100.000 kW	207M	165.8	124.3	
		U.S. Broadcasting, L.P.		BLH-20020529ABR			